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REMARKS

Claims 1-7, 9-18, and 20-26 are pending in this application. By this Amendment, claims 1 and 12 are amended, claims 22-26 are added and claims 8 and 19 are cancelled without prejudice or disclaimer. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects, under 35 U.S.C. § 102, claims 1-21 over Robert et al. (U.S. Patent No. 6,104,712). This rejection is respectfully traversed.

Applicants assert that Robert et al. does not disclose or suggest a accessing topographical information on a region in which the wireless device is currently located and selecting selecting users based on positional and topographical information, as recited in independent claim 1 and similarly recited in independent claim 12.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Robert et al. discloses a method of wireless communication using a distributed access network. The method provides plural migratory or roving access nodes to populate a region of desired service, optionally determines a node-to-node route between a source and destination, initiates a data transfer between the source and destination by way of the migratory nodes, conveys information from the source to the destination by relaying the information between and among the migratory nodes, and receives the information at the destination node (col. 2, lines 22-31).

Robert et al. mentions transceiver characteristics may be altered according to environment surroundings, terrain, or other factors (col. 2, lines 36-40). This does not amount to accessing topographic information and selecting a plurality of users based on the topographical information. In particular, altering transceiver characteristics is not selecting a plurality of users. Furthermore, this is not a disclosure of accessing topographic information. For example, a signal strength indicator may be used to determine the effects of environment surroundings or terrain. Thus, noticing the influences of environment surroundings and terrain does not amount to accessing topographic information.

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Additionally, while Robert et al. mentions "network topography" (col. 4, line 46), this network topography is not topographic information. In particular, topographic information is defined in the present specification at page 11, lines 2-20, as being formations that may interfere with communications. Network topography defines the ad hoc network, not formations that may interfere with communications. Thus, the disclosure of network topography is not the disclosure of topographic information.

Also, while Robert et al. mentions using longitude, latitude, and an elevation parameter (col. 6, lines 45-47), these parameters are not topographic information. In particular, these parameters are position parameters such as the claimed position information. Whereas, topographic information is separate information from position parameters. In particular, topographic information can represent formations that may interfere with communications. Thus, position parameters are not topographic information.

Thus, Robert et al. does not disclose or suggest accessing topographical information on a region in which the wireless device is currently located and selecting users based on positional and topographical information, as recited in independent claim 1 and similarly recited in independent claim 12..

Therefore, Applicants respectfully submit that independent claims 1 and 12 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-7, 9-18, and 20-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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Version with markings to show changes made

IN THE CLAIMS:

Please amend claims 1 and 12 as follows:

1. (Amended) A method of operating a wireless device, comprising:
receiving positional information from a plurality of users in an ad hoc network;
selecting a first portion of the plurality of users to be within a pro active region
based upon said positional information; and
maintaining information on the users selected to be within the pro active region;
and
accessing topographical information on a region in which the wireless device is
currently located, and wherein selecting the first portion of the plurality of users further
comprises selecting the users based on the positional and topographical information.
12. (Amended) A wireless device for use in an ad hoc network, comprising:
a transceiver capable of receiving positional information from a plurality of
remote users;
a global positioning system capable of generating positional information
regarding the wireless device; and
a controller capable of selecting a first portion of the plurality of remote users to
be within a pro active region based upon said positional information, and maintaining
information on the remote users selected to be within the pro active region,
wherein the controller is capable of accessing topographical information on a
region in which the wireless device is currently located, and selecting the first portion of the
plurality of remote users based on the positional and topographical information.